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TOWNSEND and TOWNSEND and CREW LLP

By Jay M. Marshall

#5
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PATENT

Attorney Docket No.: 02307O-114700
UC Case No. 2001-055-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Weterings, et al.

Serial No.: 09/724,857

Filed: November 28, 2000

For: POLYNUCLEOTIDES USEFUL FOR
MODULATING TRANSCRIPTION.

POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kevin L. Bastian, Reg. No. 34,774; Eric J. Baude, Reg. No. 47,413, M. Henry Heines, Reg. No. 28,219; Matthew E. Hinsch, Reg. No. 47,651; Laurence J. Hyman, Reg. No. 35,551; Jeffry S. Mann, Reg. No. 42,837; Frank Mycroft, Reg. No. 46,946, Annette S. Parent, Reg. No. 42,058; Peter Seperack, Reg. No. 47,932, J. David Smith, Reg. No. 39,839, William M. Smith, Reg. No. 30,223; Joseph R. Snyder, Reg. No. 39,381; Eugenia Garrett-Wackowski, Reg. No. 37,330; Ellen Lauver Weber, Reg. No. 32,762; Kenneth A. Weber, Reg.

No. 31,677; William B. Kezer, Reg. No. 37,369, all of the firm of Townsend and Townsend and Crew LLP, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

is being concurrently submitted under separate cover to Attn: Box Assignments for recording, a copy not for recordation is enclosed.

Please direct all telephone calls to Matthew E. Hinsch and all correspondence relative to said application to the following address:

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

ASSIGNEE: THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

Signature: Linda S. Stevenson
Typed Name: Linda S. Stevenson
Title: Manager, Patent Prosecution

1111 Franklin Street, 5th Floor
Oakland, CA 94607-5200

Dated: April 27, 2001 SF 1217254 v1



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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Koen Weterings, Nestor R. Apuya, Robert B. Goldberg

Application No./Patent No.: 09/724,857 Filed/Issue Date: November 28, 2000

Entitled: POLYNUCLEOTIDES USEFUL FOR MODULATING TRANSCRIPTION

The Regents of the University of California, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

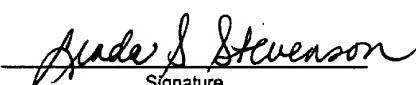
Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

April 27, 2001

Date


SignatureLinda S. Stevenson

Typed or printed name

Manager, Patent Prosecution

Title

Burden Hour

SF 1217261 v1

TTC Attorney Docket No. 023070-114700US

ASSIGNMENT.

U.C. Case No. 2001-055-1

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Koen Weterings _____ 2. Nestor R. Apuya _____

3. Robert B. Goldberg 4. _____

4.

3. Robert B. Goldberg 4. _____

3. Robert B. Goldberg 4. _____

4. _____

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin St., 12th Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

POIYNUCLEOTIDES USEFUL FOR MODULATING TRANSCRIPTION

and which is found in

(a) _____ U.S. provisional application filed herewith and listing the above-named persons as inventors

(b) _____ U.S. patent application filed herewith and listing the above-named persons as inventors

(c) U.S. application serial no. 09/724,857, filed on November 28, 2000

(d) _____ U.S. Patent No.: _____, issued _____

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

Signature of Inventor(s)

71 day of MARCH, 2001

21 day of March 1901

23 May 1960

written in California
Nashville

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NOT FOR RECORDATION